

REMARKS/ARGUMENTS

In response to the Restriction Requirement dated July 22, 2004, which set forth the following groups of claims:

- I. Claims 1-18 are drawn to DNA encoding mammalian Dabl disabled protein 1, or a fragment thereof, vectors, host cells and processes of preparation.
- II. Claims 19-22 are drawn to mammalian disabled protein 1 or a fragment thereof.
- III. Claims 23-32 are drawn to antibodies and binding partners able to bind to the mammalian disabled protein 1.
- IV. Claims 33 and 34 are drawn to a method of detecting the presence of, predisposition to develop, a mammalian associated protein 1 associated disease in a subject.
- V. Claim 35 is drawn to a method of screening for a compound that modulates either the level of expression of mammalian disabled protein 1 or the affinity of the mammalian disabled protein 1 to binding partners (Src, Abl, Fyn).

For each of the inventions of Groups I - V above, restriction to one of the following is also required under 35 USC 121 and 372:

- (A) Protein of SEQ ID NO:3 or a nucleic acid encoding the SEQ ID NO:3.
- (B) Protein of SEQ ID NO:5 or a nucleic acid encoding the SEQ ID NO:5.
- (C) Protein of SEQ ID NO:7 or a nucleic acid encoding the SEQ ID NO:7.

Applicants elect to prosecute Group I, claims 1-18, with traverse without prejudice to Applicants' right to file a divisional or related application to any claim of a non-elected group. Further, Applicants elect for prosecution on the merits the species of the nucleic acid encoding the protein depicted as SEQ ID NO:3. Claims 1-3, 6, 10, and 13-16 are generic. Applicants note that upon an indication of allowability of a generic claim, a reasonable number

Jonathan A. Cooper *et al.*
Appl. No. 09/486,293
Amdt. dated January 21, 2005
Reply to Restriction Requirement of July 22, 2004

PATENT

of additional species will be considered and can be claimed in the same application as provided by 37 CFR §141.

Further, Applicants have amended claim 1 to remove the recitation of dependence on itself. No new matter is believed to be added by this amendment as it is only formal in nature.

Applicants believe all requirements for responding to the restriction requirement have been addressed. If a telephone conference would expedite this matter, the Examiner is respectfully encouraged to contact the undersigned accordingly.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: 21 January 2005

By:



Brian W. Poor
Reg. No. 32,928

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
BWP:jms